

Message Text

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TO AMEMBASSY CANBERRA PRIORITY

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E.O. 11652: N/A

TAGS: ETRD, AS, US

SUBJECT: ANTITRUST: REQUEST FOR URANIUM TESTIMONY

1. DEPARTMENT OF JUSTICE HAS SOLICITED DEPARTMENT'S ASSISTANCE IN FACILITATING TESTIMONY BEFORE THE URANIUM GRAND JURY BY A U.S. CITIZEN, PAUL R. RIDDELL, WHO IS RESIDENT IN AUSTRALIA. RIDDELL IS AN EMPLOYEE OF GETTY OIL DEVELOPMENT COMPANY, A U.S. FIRM OWNED BY GETTY OIL COMPANY, ANOTHER U.S. FIRM. HE IS WILLING TO TESTIFY CONCERNING CERTAIN GETTY DOCUMENTS WHICH RELATE TO GETTY'S INVOLVEMENT, IF ANY, IN PRACTICES BEING INVESTIGATED BY THE GRAND JURY.

2. DEPARTMENT IS WILLING TO ASSIST AND REQUESTS EMBASSY TO PRESENT NOTE SET OUT BELOW, MAKING FOLLOWING POINTS:

- DEPARTMENT BELIEVES U.S. HAS LEGITIMATE INTEREST IN MR. RIDDELL'S TESTIMONY AND HOPES THAT GOA AGREES IN
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LIGHT OF FACT THAT HE AND HIS COMPANY ARE U.S. NATIONALS AND FACT THAT HE WILL TESTIFY ABOUT DOCUMENTS LOCATED IN U.S.

- JUSTICE DEPARTMENT WISHES TO CONCLUDE INVESTIGATION SOON AND HOPES FOR A RESPONSE BY FEBRUARY 17. IT IS

IN INTEREST OF ALL CONCERNED THAT INVESTIGATION BE
CONCLUDED PROMPTLY, AND DEPARTMENT HOPES GOA CAN
RESPOND EXPEDITIOUSLY.

- IF NECESSARY, EMBASSY CAN SUGGEST THAT
JUSTICE WOULD RELUCTANTLY AGREE TO INTERVIEW
RIDDELL IN LIEU OF EXAMINATION BEFORE THE GRAND JURY.
THIS WOULD BE TRANSCRIBED BUT, AS WITH GRAND JURY
TESTIMONY, WOULD NOT CONSTITUTE OR BE USED AS EVIDENCE.
THE AUSTRALIAN ACT (SECTION 5C) APPEARS NOT TO APPLY.

3. BEGIN TEXT. THE EMBASSY OF THE U.S. PRESENTS ITS
COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS AND HAS
THE HONOR TO REQUEST THE ASSISTANCE OF THE GOVERNMENT
OF AUSTRALIA IN A MATTER OF CONCERN TO THE GOVERNMENT
OF THE UNITED STATES.

THE UNITED STATES DEPARTMENT OF JUSTICE HAS BEEN
CONDUCTING A GRAND JURY INVESTIGATION INTO CERTAIN
ASPECTS OF THE UNITED STATES AND INTERNATIONAL URANIUM
INDUSTRY. IT HAS COME TO THE ATTENTION OF THE DEPARTMENT
OF JUSTICE THAT AN AMERICAN CITIZEN, PAUL R. RIDDELL,
WHO IS AN EMPLOYEE OF AN AMERICAN COMPANY, GETTY OIL
DEVELOPMENT COMPANY, AND WHO IS RESIDING IN AUSTRALIA,
LIKELY POSSESSES INFORMATION WHICH IS RELEVANT TO THE
INVESTIGATION.

MR. RIDDELL IS WILLING TO TESTIFY ON THIS SUBJECT BEFORE
THE GRAND JURY. VOLUNTARY APPEARANCE WOULD AVOID THE
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NECESSITY OF A SUBPOENA REQUIRING HIM TO TESTIFY AS
PROVIDED IN UNITED STATES LAW, WHICH AUTHORIZES SERVICE
OF PROCESS ON AMERICAN CITIZENS RESIDING ABROAD.
HOWEVER, HE IS CONCERNED THAT HE MIGHT BE SUBJECT TO
PENALTIES PROVIDED IN THE FOREIGN PROCEEDINGS
(PROHIBITION OF CERTAIN EVIDENCE) ACT 1976, ENACTED
BY THE GOVERNMENT OF AUSTRALIA.

THE DEPARTMENT OF STATE IS AWARE OF THE CONCERNS OF
THE GOVERNMENT OF AUSTRALIA WITH RESPECT TO THE
EXTRATERRITORIAL REACH OF CERTAIN ASPECTS OF THE
URANIUM INVESTIGATION. IT BELIEVES, HOWEVER, THAT
THE UNITED STATES HAS A CLEAR AND LEGITIMATE INTEREST
IN THE TESTIMONY OF AN AMERICAN CITIZEN EMPLOYED BY
AN AMERICAN FIRM CONCERNING ACTIVITIES IN OR SUBSTAN-
Tially AFFECTING THE UNITED STATES.

IT SHOULD ALSO BE NOTED THAT THE FOREIGN PROCEEDINGS
ACT APPEARS NOT TO APPLY TO THE TESTIMONY REQUESTED OF MR.
RIDDELL. HE WILL NOT PRODUCE DOCUMENTS TO THE GRAND
JURY, AND WE ARE INFORMED THAT THE DOCUMENTS ABOUT WHICH
HE WILL BE EXAMINED HAVE BEEN LOCATED IN THE UNITED

STATES SINCE PRIOR TO THE PASSAGE OF THE ACT. MOREOVER,
HIS TESTIMONY SHOULD NOT BE VIEWED AS THE "GIVING...OF
EVIDENCE" UNDER SECTION 5(C) OF THE ACT SINCE UNDER
UNITED STATES LAW THE DEPARTMENT OF JUSTICE MAY NOT USE
GRAND JURY TESTIMONY AS SUBSTANTIVE EVIDENCE AT TRIAL.

FINALLY, IT SHOULD BE NOTED THAT THE DEPARTMENT OF
JUSTICE IS PROHIBITED FROM DISCLOSING GRAND JURY
TESTIMONY TO THIRD PARTIES.

FOR THESE REASONS, THE DEPARTMENT OF STATE RESPECTFULLY
REQUESTS THAT THE GOVERNMENT OF AUSTRALIA GIVE ASSURANCE
TO MR. RIDDELL THAT HE WILL NOT BE SUBJECT TO PENALTIES
UNDER THE AFOREMENTIONED ACT FOR THE INFORMATION TO
BE PROVIDED BY HIM TO THE GRAND JURY OR THE DEPARTMENT
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OF JUSTICE. END TEXT.

4. FYI. IT IS NOT CLEAR THAT AUSTRALIAN LAW APPLIES
TO RIDDELL TESTIMONY SINCE IT COULD BE INTERPRETED TO
PROHIBIT ONLY THE GIVING OF EVIDENCE IN RELATION TO
DOCUMENTS ONLY LOCATED IN AUSTRALIA. GOA WOULD BE
EXCEEDING ITS AUTHORITY IF IT PROHIBITED TESTIMONY
RELATING TO DOCUMENTS LOCATED OUTSIDE AUSTRALIA. IN
THIS CASE, WE UNDERSTAND THAT THE DOCUMENTS IN QUESTION
WERE BROUGHT BACK FROM AUSTRALIA BEFORE THE AUSTRALIAN
ACT CAME INTO EFFECT. END FYI.

5. GOA TODAY RESPONDED NEGATIVELY TO JUSTICE DEPARTMENT
REQUEST THAT ORDERS MADE UNDER AUSTRALIAN ACT BE
RELAXED WITH RESPECT TO A SERIES OF GENERAL QUESTIONS
POSED BY JUSTICE CONCERNING URANIUM INVESTIGATION.
TEXT OF AUSTRALIAN EMBASSY TALKING POINTS BEING SENT
SEPTTEL.
VANCE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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